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BEFORE THE ARIZONA CORPORATION COMMISSIONED

**COMMISSIONERS**

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Arizona Corporation Commission

**DOCKETED**

JAN - 9 2008

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AZ CORP COMMISSION  
DOCKET CONTROL

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N THE MATTER OF THE APPLICATION OF  
UNS ELECTRIC, INC. FOR THE  
ESTABLISHMENT OF JUST AND  
REASONABLE RATES AND CHARGES  
DESIGNED TO REALIZE A REASONABLE  
RATE OF RETURN ON THE FAIR VALUE OF  
THE PROPERTIES OF UNS ELECTRIC, INC.  
DEVOTED TO ITS OPERATIONS  
THROUGHOUT THE STATE OF ARIZONA AND  
REQUEST FOR APPROVAL OF RELATED  
FINANCING.

DOCKET NO. E-04204A-06-0783

**UNS ELECTRIC'S RESPONSE TO  
MR. MARSHALL MAGRUDER'S  
LATE-FILED EXHIBITS**

UNS Electric, Inc. ("UNS Electric"), through undersigned counsel, respectfully submits its Response to the late-filed exhibits of Mr. Marshall Magruder, filed on December 24, 2007 ("Late-Filed Exhibits").<sup>1</sup> The Late-Filed Exhibits generally relate to three topics, which have already been examined in-depth: (i) scholarships; (ii) the Citizens Advisory Council ("CAC"); and (iii) the replacement of certain utility poles and underground cable.

The Late-Filed Exhibits do not contain any new information; each of the three topics discussed have already been fully vetted. While Mr. Magruder states that the Late-Filed Exhibits are the result of "new information that came to light in the Reply Post-Hearing Brief by UNS Electric on November 19, 2007"<sup>2</sup>, this is not accurate - UNS Electric presented no new information in its Reply Brief.

Mr. Magruder acknowledges in the Late-Filed Exhibits that his concerns were discussed "in depth in Magruder pre-filed Testimonies, various cross-examinations, Magruder oral testimony, and Magruder Briefs."<sup>3</sup> Mr. Magruder's extensive footnotes even detail the extent to

<sup>1</sup> Mr. Magruder acknowledges that the Late-Filed Exhibits are untimely and beyond the procedural schedule established by the Administrative Law Judge in this case.

<sup>2</sup> Magruder Late-Filed Exhibits, page 3, lines 6-7.

<sup>3</sup> Magruder Late-Filed Exhibits, page 3, lines 12-14.

1 which Mr. Magruder's concerns were expressed and addressed; he references his Supplemental  
2 Testimony, his Surrebuttal Testimony, his Opening Brief and his Reply Brief, in addition to  
3 various exhibits.

4 Of the three topics identified in the Late-Filed Exhibits, Mr. Magruder appears to claim  
5 that only in regard to scholarships did UNS Electric present new information. Mr. Magruder  
6 erroneously states that UNS Electric did not respond to his scholarship concerns until its  
7 November 19<sup>th</sup> Reply Brief. Mr. Pignatelli, in fact, testified about the scholarships at the rate case  
8 hearing in September, and stated that he believed seven scholarships had been awarded to students  
9 between 1999 and 2003. Mr. Magruder disputed this information in his Opening Brief. UNS  
10 Electric simply confirmed in its Reply Brief that Mr. Pignatelli was in fact correct – seven  
11 scholarships had been awarded. This was not new information.

12 In regard to the CAC and the replacement projects, the Late-Filed Exhibits neither present  
13 new information, nor does Mr. Magruder claim that UNS Electric presented new information.

14  
15 RESPECTFULLY SUBMITTED this 9<sup>th</sup> day of January 2008.

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23 Original and 13 copies of the foregoing  
filed this 9<sup>th</sup> day of January 2008 with:

24 Docket Control  
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27

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2 this 9<sup>th</sup> day of January 2008, to:

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